



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

93-095
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REGIONAL HEARING CLERK
EPA, REGION III, PHILA, PA

MAY 26 1993

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. and Mrs. Perry Phillips
Perry Phillips Mobile Home Park
R.D. # 2, Box 60K
Coatesville, Pa. 19320

Re: Safe Drinking Water Act § 1431
Emergency Administrative Order

Dear Mr. and Mrs. Phillips:

Enclosed is an Emergency Administrative Order issued to you and the Perry Phillips Mobile Home Park under Section 1431 of the Safe Drinking Water Act, 42 U.S.C. § 300i. The Order requires that you and the Park take immediate action to remedy the imminent and substantial endangerment presented to the residents of the Park by the volatile organic chemical contamination in the water provided to the Park. This Emergency Order is effective immediately.

Please review the Order carefully. If you have questions concerning any of the terms of the Order, please call Mary Brewster at (215) 597-4029 during normal business hours and she will answer your questions. I will be out of the country until June 2, 1993. In my absence, please call Joan Hartmann of the Office of Regional Counsel at (215) 597-4963 if you or your attorney have legal questions. Starting June 2, 1993, please call me at (215) 597-4438.

EPA is willing to discuss with you and the Park the possibility of entering into a Consent Administrative Order to redress the dangers posed by the volatile organic chemical contaminants in the Park's water system. However, EPA will not postpone the deadlines in the Emergency Order for implementation of any of the terms of the Emergency Order during any potential discussions on a consent order.

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

RECEIVED
93 MAY 26 PM 3
REGIONAL HEARING OFFICE
EPA, REGION III, PHIL.

IN THE MATTER OF:)	
	)	EMERGENCY ADMINISTRATIVE ORDER
PERRY and JEANNE)	
PHILLIPS and)	
PERRY PHILLIPS)	
MOBILE HOME PARK	)	Proceedings under Section 1431(a)
Coatesville, PA,	)	of the Safe Drinking Water Act,
	)	42 U.S.C. § 300i(a)(1)
Respondents.)	
	)	Docket No. III-93-095 DS

I. STATUTORY AUTHORITY

- 1.1 This Emergency Administrative Order (the "Order") is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by Section 1431 of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300i, and delegated to the Regional Administrators by Delegation No. 9-17, dated July 25, 1984, and is issued to protect the users of a public water system and an underground source of drinking water from contaminants that may present an imminent and substantial endangerment to human health.
- 1.2 This Order is issued to Mr. and Mrs. Perry and Jeanne Phillips (husband & wife) and the Perry Phillips Mobile Home Park (hereinafter referred to as "Respondents").

II. FINDINGS

- 2.1 Respondents own property located near Coatesville, Chester County, Pa. upon which they operate a mobile home park known as the "Perry Phillips Mobile Home Park" (the Park). The Park contains approximately 21 mobile homes. The Respondents collect rent from the residents of the Park.
- 2.2 Respondents own and operate two wells, located on their property, which supply all the water to the mobile homes via underground pipes. This water is used for human consumption, including cooking, bathing, cleaning, clothes washing, and dish washing. A map showing the location of the Park and public water system wells is provided in Attachment A of this Order.
- 2.3 The water system serving the Park and operated by

Respondents (the "System") serves approximately 60 people through 21 service connections. The System is supplied by two wells, Well #1 and Well #2. Well #1 is located near the north border of the Mobile Home Park and is approximately 175 feet deep. Well #2 is approximately 150 feet deep and is next to a barn which is approximately 1000 feet east-southeast of Well #1 and 200 feet north of Mr. Phillips' private residence. See Attachment A. These two wells draw their water from the same underground source of drinking water. Both wells are screened to the bottom of the well shaft. Well houses for both wells are constructed below ground level and are partially exposed to surface runoff. Each well supplies its own pressure tank, which is located in the well housing with the well. Water from each individual pressure tank is piped to a connecting joint prior to entry into the distribution system. There is no water treatment in the System. Additionally, no data is available to determine the relative contribution of Wells #1 and #2 to the total volume of water in the distribution system.

- 2.4 In 1989, EPA evaluated waste disposal sites owned by Respondents and operated on the same property where the Park and wells are currently located for possible inclusion on the Superfund National Priority List. One disposal site is adjacent to the western edge of the Park and Well # 1. The second disposal site is immediately west of the barn and Well # 2. In 1989, trace amounts of volatile organic chemicals were detected in the ground water, based on samples taken from nearby private residences. Diagrams of the areas subject to EPA's Site Evaluation, and their location relative to Wells #1 and #2, are provided in Attachment C of this Order.
- 2.5 Samples taken from Wells #1 and #2 of the System, and from taps within homes served by the System, indicate the presence of a number of volatile organic chemicals in the water supplied to residents of the Park since at least August, 1988. No sampling data prior to that time is available. Recent samples from Perry Phillips' private well and nearby private wells also confirm that volatile organic chemicals are present in the groundwater. Most of the sampling data collected by the Chester County Health Department, Pennsylvania Department of Environmental Resources (DER), and EPA are tabulated and presented in Attachment B of this Order.
- 2.6 Pursuant to Section 300(g) of the SDWA, 42 U.S.C. § 1412, EPA has established maximum contaminant levels (MCLs) for volatile organic chemicals (VOCs). These MCLs are set forth

at 40 C.F.R. § 141.61.

- 2.7 Samples taken directly from Well #2, one of the two wells supplying the Park's system, revealed levels of 1,1-dichloroethylene and trichloroethylene in excess of EPA's MCL of 7 ug/l and 5 ug/l, respectively, for those contaminants. Well #2 analyses have also detected the VOCs chloroethane, vinyl chloride, 1,1,1-trichloroethane, and 1,1-dichloroethane at levels above the expected naturally occurring levels. Vinyl chloride was detected twice in this well at a level of 1.5 ug/l. (See table, Attachment B)
- 2.8 Samples taken from the taps of the mobile homes served by the System revealed levels of trichloroethylene in the tap water in excess of EPA's MCL of 5 ug/l. Mobile home tap samples have detected the VOCs chloroethane, 1,1,1-trichloroethane, 1,1-dichloroethylene, and 1,1-dichloroethane at levels above the naturally occurring levels. (See table, Attachment B)
- 2.9 Samples taken from Well #1, which also supplies the System, revealed the presence of vinyl chloride, 1,1-dichloroethylene, 1,1-dichloroethane, 1,1,1-trichloroethane and trichloroethylene at levels above the naturally occurring levels (See table, Attachment B).
- 2.10 Respondents Perry and Jeanne Phillips' private residence is located approximately 200 feet south of Well #2 and is supplied water by a private well adjacent to the residence. This well is not connected by piping to the System. Samples from Mr. Phillips' well show the presence of tetrachloroethylene at levels exceeding both EPA's MCL of 5.0 ug/l and the Short Term Acceptable Risk (STAR) level of 69 ug/l. (See tables, Attachment B)

<u>Sample date</u>	<u>Concentration</u>
July, 1990	74.2 ug/l
November, 1992	246.0 ug/l
March 1993	96.0 ug/l

Mr. Phillips was warned by letter from EPA that he should not use this water for domestic purposes.

- 2.11 Samples from Mr. and Mrs. Phillips' private well also show levels of 1,1-dichloroethylene above the SDWA MCL of 7.0 ug/l and the presence of chloroethane, 1,1-dichloroethane, 1,1,1-trichloroethane and trichloroethylene at elevated levels. (See table, Attachment B).
- 2.12 The geology of the area underlying the Park, Wells # 1 and

2, Mr. and Mrs. Phillips' private well, and the surrounding area, coupled with sampling data showing the presence of similar VOC contaminant profiles in these wells, supports the conclusion that some degree of hydrological connection exists between these wells. Contaminants and levels of contaminants in one well may migrate or appear at other wells.

- 2.13 The VOCs present in these wells have similar toxicological properties, and human exposure can occur through ingestion, dermal contact, and inhalation. The carcinogenic (cancer-causing) risks of these chemicals are expected to be more significant than the non-cancer effects at the concentrations observed from sampling.
- 2.14 Exposure levels to carcinogens which result in an excess upper bound lifetime cancer risk to individuals in excess of 1 in 10,000 using EPA guidance may be considered unacceptable and present an imminent and substantial endangerment to humans.
- 2.15 Tetrachloroethylene (PCE), trichloroethylene (TCE), and 1,1,1-trichloroethane (1,1,1-TCA) are organic compounds which do not occur in nature. These compounds are volatile under normal atmospheric pressure, but may persist indefinitely when confined to an underground water system. These compounds are chemically related and are commonly found to co-occur in instances of ground water contamination. During biochemical decomposition, PCE will, under certain conditions, break down into TCE, dichloroethylenes, and finally, to vinyl chloride or chloroethane. Similarly, 1,1,1-TCA has been shown to break down to dichloroethane isomers and then to chloroethane monomers.
- 2.16 Both PCE and TCE are classified by EPA as Class B2 (probable human) carcinogens and may enter the body via ingestion, inhalation, or dermal (skin) absorption.
- 2.17 As shown in paragraph 2.10 above, sampling has shown levels of PCE at several times the STAR level in Mr. and Mrs. Phillips' private well, which is approximately 200 feet from Well # 2. According to an EPA Region III toxicologist, these levels of PCE correspond to a cancer risk solely from oral exposure of 2 extra cases of cancer per 10,000 persons. This risk would increase if the inhalation and dermal absorption routes of exposure were considered. Well # 2 and Mr. and Mrs. Phillips' private well most likely draw from the same underground source of drinking water. In addition, as shown by Paragraphs 2.7 and 2.8 above, levels of TCE

consistently above the MCL have been found in both Well # 2 and taps within the System. Levels of TCE above the naturally occurring levels have also been detected in Well # 1 and Mr. and Mrs. Phillips' private well.

- 2.18 Vinyl Chloride is classified as a Group A human carcinogen, having the strongest evidence of human carcinogenicity and the highest cancer potency of those contaminants found in the water.
- 2.19 Levels of vinyl chloride at 1.5 ug/l have been found in Well # 2, and levels at 1.2 ug/l have been found in Well # 1. These levels approach vinyl chloride's STAR and MCL level of 2.0 ug/l. The persistent presence of high levels of other VOCs which degrade into vinyl chloride creates a significant potential for increased levels of vinyl chloride in the future. An increase in vinyl chloride levels to only 4.5 ug/l would raise the 30 year cancer risk from oral exposure to 1 in 10,000.
- 2.20 Exposure to 1,1-dichloroethylene (1,1-DCE) may occur through ingestion or inhalation. EPA has classified 1,1-DCE as a Group C, or possible human carcinogen. Short term exposure to high levels of 1,1-DCE can result in depression of the central nervous system and loss of consciousness. Longer term exposure may result in liver and kidney damage and has been tentatively linked to headaches, vision problems, fatigue, and neurological sensory disturbances.
- 2.21 As shown by the tables in Attachment B, Samples have shown the persistent presence of 1,1-DCE above the MCL in Well # 2 and Mr. and Mrs. Phillips' private well. 1,1-DCE has also been detected in the taps of users, in Well # 1, and at several nearby private wells. An EPA toxicologist has determined that the highest level of 1,1-DCE in Well # 2 corresponds to an increased cancer risk from oral exposure of 2 extra cancer cases per 10,000 persons.
- 2.22 An EPA toxicologist has also determined that the total cancer risk from the mixture of VOCs in Well # 2 would result in three (3) extra cancer cases per 10,000 persons.
- 2.23 Under Section 1413 of the SDWA, 42 U.S.C. § 300g-2, and 40 C.F.R. §§ 142.11, 142.12, Pennsylvania has been delegated primacy for the enforcement of certain sections of the SDWA and its regulations, including the provisions of 40 C.F.R. § 141.61, the MCLs for organic contaminants. The Pennsylvania Department of Environmental Resources (DER) is the agency charged with enforcement of the SDWA in Pennsylvania.

- 2.24 The Chester County Health Department (CCHD) has a written agreement with the Pa. DER to inspect and monitor public water systems, and to enforce the SDWA within Chester County. If the CCHD cannot obtain compliance with the SDWA by a person or public water system within the County by issuing a Notice of Violation, it refers the case to Pa. DER. CCHD has no authority to take action other than issuing a Notice of Violation. The CCHD issued written Notices of Violation to Mr. Phillips on February 4, 1993 and July 1, 1991 for exceeding the MCL for 1,1-dichloroethylene and trichloroethylene. CCHD issued Notices of Violation for failure to monitor for coliform bacteria on April 8, 1991; March 8, 1991; February 14, 1991; January 15, 1991; November 29, 1990; November 27, 1990; October 4, 1990; and September 6, 1990.
- 2.25 By letter dated September 28, 1992, the Pennsylvania DER requested that EPA take appropriate enforcement action against Perry Phillips and the Park. DER has had to resort to repeated litigation with Mr. Phillips in its attempts to obtain compliance with the laws regulating his trash hauling business. Therefore, DER felt that Mr. Phillips' cooperation with DER's request that he obtain a Public Water Supply Permit to address the volatile organic chemical contamination would not be forthcoming. EPA conducted follow-up data collecting and investigation over the ensuing months, and review of that data by EPA toxicologists and geologists has revealed the imminent and substantial danger presented by the groundwater contamination at the Park and the contamination of the Park's water supply.
- 2.26 EPA has consulted with Pa. DER and the CCHD to ascertain the correctness of the information on which EPA bases this action and what, if any, action DER and CCHD plan to take to correct these health threats to the users of the water.
- 2.27 In addition to the above requirements for volatile organic chemicals, 40 C.F.R. § 141.21 requires that Respondents sample and analyze for coliform bacteria a minimum of one (1) time each month. Respondents failed to sample and analyze for coliform bacteria as required during the following months: July, August, September, October, November and December 1990; January and February 1991.
- 2.28 40 C.F.R. § 141.32(b) requires that Respondents, as the owner and operator of a public water supply, notify persons served by the system of, among other things, any failure to monitor as required by 40 C.F.R. Part 141. Respondents failed to give notice to the users of the Park's water of his failure to sample for coliform bacteria during the

months noted in paragraph 2.27.

III. CONCLUSIONS OF LAW

- 3.1 Respondents are "persons", as defined by Section 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 141.2.
- 3.2 The water supply system serving residents of the Perry Phillips Mobile Home Park is a system intended for the provision to the public of piped water for human consumption, has greater than 15 service connections, and regularly serves greater than 25 individuals. The System is therefore a "public water system", as defined by Section 1401(4) of the SDWA, 42 U.S.C. § 300f(4), and 40 C.F.R. § 141.2 and a "community water system" within the meaning of 40 C.F.R. § 141.2.
- 3.3 The public water system serving the Perry Phillips Mobile Home Park is subject to the requirements of the SDWA, Section 1401 et seq., 42 U.S.C. §300f et seq., and the National Primary Drinking Water Regulations found at 40 C.F.R. Part 141.
- 3.4 Respondents own and operate the Perry Phillips Mobile Home Park public water system and are therefore "suppliers of water", as defined by Section 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2.
- 3.5 The two wells supplying water to the Perry Phillips Mobile Home Park, and the well which supplies Mr. and Mrs. Phillips' private residence, draw their water from an "underground source of drinking water," as defined by 40 C.F.R. § 144.3.
- 3.6 Tetrachloroethylene (PCE), trichloroethylene (TCE), 1,1-dichloroethane, vinyl chloride, 1,1,1-trichloroethane, 1,1-dichloroethylene, and chloroethane are all "contaminants", as defined by Section 1401(6) of the SDWA, 42 U.S.C. § 300f(6) and 40 C.F.R. § 141.2.

IV. DETERMINATIONS

Based on the Findings of Fact and Conclusions of Law set forth above, and the Administrative Record supporting this Order (an index of which is attached to this Order), EPA has determined that:

- 4.1 The contaminants in paragraph 3.6 are all present in the underground source of drinking water which supplies the

Perry Phillips Mobile Home Park and the private residence of Mr. and Mrs. Phillips.

- 4.2 These contaminants in the underground source of drinking water and the public water system may present an imminent and substantial endangerment to the health of persons served by the Perry Phillips Mobile Home Park public water system and by this underground source of drinking water.
- 4.3 The Pennsylvania DER has been unsuccessful in protecting the health of the users of this water and has, by letter dated September 26, 1992, requested that EPA take action to protect the health of the users of Respondents' water system. The Chester County Health Department has also been unsuccessful through the issuance of Notices of Violation in protecting the health of the users of this contaminated water.
- 4.4 The actions required by this Order are necessary to protect the health of persons who are or may become users of the Perry Phillips Mobile Home Park water system, and users of the underground source of drinking water which supplies this system and nearby homes.
- 4.5 Respondents have caused and contributed to the endangerment of the users of the System by continuing to supply contaminated water, and failing to take measures to prevent the contaminated water from reaching the users, despite having knowledge of the contamination.

V. ORDER

Therefore, this 25th day of May, 1993 Respondents are hereby ordered, pursuant to Section 1431 of the SDWA, 42 U.S.C. § 300i, to take the following actions within the time periods specified:

- 5.1. Contact Persons. EPA and Respondents must each designate contact persons within seven (7) days of the effective date of this Order to maintain communication and to oversee compliance with this Order.

The contact person for EPA is:

Mary T. Brewster
Environmental Protection Specialist
215/597-4029
841 Chestnut Building
Philadelphia, PA 19107

The contact person for Respondents is:

Name: _____
Title: _____
Phone: _____
Street Address: _____
City: _____ State _____ Zip _____

5.2. Work. Respondents must commence and complete performance of the following Work (all requirements of this Order and any modification thereto) within the specified times. All work shall be undertaken in accordance with the requirements of this Order (and its Attachments) and applicable local, state, and federal laws and regulations.

- a. Initial Notice. Within ten calendar days of EPA's signing of this Order, Respondents must provide to the residents of the mobile home park the notice contained in Attachment E. This notice must be given via personal delivery or certified mail to the heads of household and, if different, the holders of title to real property. Respondents' contact person must inform EPA's contact person in writing within three days of delivery or mailing how notification was carried out. A copy of this notice must also be given to any new resident of the mobile home park within two days of becoming a resident.
- b. Notice. In the event that sampling conducted at any point in the public water system, initiated pursuant to the requirements of this Order or for any other reason, reveals levels of contaminants at or above EPA's MCL's, Respondents shall give notice to the users of the System via hand delivery or certified mail to each head of household of the users served by the System within 72 hours of learning of the violation. The Notice given shall be in the form required by 40 C.F.R. § 141.32(d) and (e). A copy of this notice shall be delivered to EPA's contact person within 48 hours of delivery of the notice.
- c. Water Supply Permit Application. Within thirty days of signing of this Order, Respondents must submit an administratively and technically complete application to the Pennsylvania Department of Environmental

Resources for a water supply permit.

- d. Monitoring. Until EPA terminates this Order in writing as described in paragraph 5.9 below, Respondents must institute the following monitoring requirements within the specified times using laboratories approved by the Commonwealth of Pennsylvania for sampling and analysis:

- (1) Within forty-eight hours of receipt of this Order, Respondents must be in compliance with the sampling and analytical requirements of 40 C.F.R. § 141.21, the total coliform requirements.
- (2) Additionally, within seven calendar days of EPA's signing of this Order, Respondents must sample monthly for the following volatile organic chemicals at the user tap nearest to the wellhead of Wells #1 and #2, and at each wellhead:

<u>VOC</u>	<u>STAR Level</u>
vinyl chloride	2 ug/l
Trichloroethylene	300 ug/l
Tetrachloroethylene	69 ug/l
1,1,1-Trichloroethane	1000 ug/l
1,1-Dichloroethylene	70 ug/l

All samples must be taken in accordance with the procedures and requirements set forth in 40 C.F.R. § 141.24, with the exception that resampling will not be required in accordance with § 141.24(b) unless the STAR value for that contaminant is met or exceeded.

- e. Emergency Response. In the event that sampling conducted at any point in the public water system, initiated pursuant to the requirements of this Order or for any other reason, reveals levels of contaminants listed in paragraph 5.d.2 at or above the STAR values, Respondents shall issue the notice given in Attachment F to the users of the System via hand delivery to each head of household served by the System within 24 hours, and within two (2) calendar days of the receipt of sample results, provide an alternative source of drinking water to persons served by the System. The source of the alternative water supply shall be approved by EPA, following the requirements of paragraph 5.f, and must be in compliance with all applicable requirements of 40 C.F.R. Part 141. EPA expressly reserves the right, based on the level of contamination revealed by the monitoring, to require

Respondents to supply System users with an alternate water supply in quantities sufficient to meet all household needs of the System's users. This reserved right will not require amendment of this Order.

- f. Alternate Water Plan - Respondents shall, within fourteen (14) calendar days of the effective date of this Order, submit to EPA for approval, a plan for the provision of an alternate water supply to the users of the public water supply in the event that contaminant levels at or exceeding the STAR values listed in paragraph 5.d.2 above are found. This Alternate Water Plan must meet the following requirements:
- 1) The Alternate Water Plan must be demonstrated as being implementable within two (2) calendar days after the STAR values are met or exceeded.
 - 2) Implementation shall not, unless specifically authorized by EPA, result in any additional cost to the users of the public water system, and must be readily accessible to all persons served by the System.
 - 3) The Alternate Water Plan must provide a sufficient quantity of water for drinking, food preparation, cooking, and oral hygiene; approximately two gallons per person per day.
 - 4) The water provided by this Plan must comply with all applicable requirements of the National Primary Drinking Water regulations at 40 C.F.R. Part 141. In addition, the results of the water quality analysis for the alternate water supply must be included in the Alternate Water Plan. If suitable commercial analytical data is not available, the Alternate Water Plan must state how sampling and analysis will be conducted within a reasonable period of time after submission of the Alternate Water Plan.

Respondents must continue to provide the alternate water until EPA certifies in writing that the primary water supply consistently provides water which no longer presents an unreasonable short-term risk to health.

- g. System Remediation Respondents shall, within thirty (30) days of the effective date of this Order, submit to EPA for approval, a plan, complete with a work

schedule, which will provide the users of the mobile home park water system with a permanent source of water meeting the requirements of the SDWA within **one-hundred eighty (180) calendar days of the effective date of this Order**. This "Work Plan" shall include the following work elements:

- (1) The Work Plan shall identify problems with the System which lead to violations of the SDWA, set goals for renovating the System to correct those problems, and identify necessary work to meet those goals. Milestones shall be identified at which specific phases of the work will be completed. Specific dates for accomplishing these milestones shall be included in a Work Plan schedule.
- (2) The Work Plan shall identify and outline potential alternative measures to be investigated during implementation of the Plan for the purpose of correcting the violations and bringing the System into compliance with the SDWA. Outlines for each potential alternative shall briefly assess initial costs, operation and maintenance costs, relative effectiveness and reliability, and any technology-specific issues needing investigation during implementation of the Work Plan.

Within 14 days of receiving the Work Plan, EPA shall either approve or disapprove the Plan in writing. If disapproved, EPA shall state, in writing, the deficiencies and give Respondents 5 days from notification to correct the Plan. If the corrections are not made, the Plan, as corrected by EPA, shall become effective immediately. Upon approval by EPA, the Plan shall be incorporated into this Order. Respondents shall implement the Work Plan in accordance with the milestone dates in the Plan.

- h. Reporting. In addition to the other notices required by this Order, Respondents shall notify EPA, in written bi-weekly reports beginning fourteen (14) calendar days after the effective date of this Order, of any and all actions taken pursuant to the terms of this Order. Such "Progress Reports" shall include, regardless of actions taken, the status of Respondents' efforts with regard to each of subparagraphs 5.2.a through 5.2.g. Respondents shall identify any event or occurrence which causes, or may cause, delay or other non-compliance in

achievement of any requirement of subparagraphs 5.2.a through 5.2.g. In the event of any delay or non-compliance, the compliance report shall describe, in detail:

- 1) the anticipated length of the non-compliance;
- 2) the precise cause(s) of the non-compliance;
- 3) the efforts taken to prevent or minimize the non-compliance; and
- 4) a description of any future milestone dates which could be affected by the present or anticipated non-compliance.

This report shall, if it involves a request for modification of any part of the compliance schedule agreed upon, include a complete schedule of revised dates to be approved by EPA. This report shall not excuse the obligation of the Respondents to comply with the requirements of this Order unless an extension is granted pursuant to paragraph 5.4 of this Order. This Report shall also be certified in accordance with paragraph 5.10.

- i. Contractors. Respondents shall notify EPA of the identity and qualifications of any contractor(s) or person(s) who will conduct any portion of the work required by this Order and provide any such person(s) or contractor(s) with a copy of this Order. EPA reserves the right to disapprove for good cause any contractor(s) or person(s) selected by Respondents to conduct Work pursuant to this Order.

5.4. Modification. EPA expressly reserves the right to modify or amend this Order, the Work Plan, and Alternate Water Plan. The Order, the Work Plan, and Alternate Water Plan may only be modified in writing by EPA. No informal advice, guidance, or comments will relieve Respondents of their obligations to comply with the Order, Work Plan or Alternate Water Plan. In the event that EPA submits its own modifications to the Respondents, the Respondents are hereby required to implement such modifications within five (5) business days of receipt of such modifications, or such longer time as EPA may specify in its discretion.

5.5. Access. To the extent that property where work must be undertaken in compliance with this Order is owned or controlled by parties other than Respondents, Respondents

must use their best efforts to obtain reasonable access for Respondents, Respondents' employees, agents, contractors, and other authorized representatives, and for EPA and its authorized representatives.

- 5.6. Information Gathering. Respondents must provide to EPA, upon written request, all information and documents in its possession, custody, or control that pertain to Work performed under this Order including, but not limited to, all analytical data (including raw data), operational logs, and information related to project delays. EPA retains all of its information-gathering authorities and rights under the SDWA and any other applicable statute or regulation.
- 5.7. Delays. Respondents must comply with the requirements and schedules contained in this Order, the Work Plan, and Alternate Water Plan. In the event of an inability or anticipated inability by Respondents to perform any of the actions or work required by the Order or the Plans required by this Order in the time and manner required, Respondents shall notify EPA orally as soon as possible but no later than within twenty-four (24) hours of the time Respondents become aware or should have become aware of such event. Oral notification must be followed by written notification within seven (7) calendar days. Such notification shall be certified by a responsible official of Respondents in accordance with Section 5.10 of this Order and shall describe fully the nature of the delay, including how it may affect the work and the schedule for completing that work; the actions that have and will be taken to mitigate, prevent, and/or minimize further delay; and the timetable according to which future actions to mitigate, prevent and/or minimize delay will be taken. Such notification shall not relieve Respondents of any obligation of this Order. Respondents shall adopt all reasonable measures to avoid and minimize such delay.
- 5.8. Work Assessment. EPA will review the adequacy of Respondents' implementation of the Work Plan and corrective measures and, if necessary, notify Respondents of any remaining corrective actions that must be taken. EPA expressly reserves the right to disapprove of Work performed by Respondents, to require Respondents to correct all Work disapproved by EPA, and to require Respondents to develop a plan to maintain a system that will comply with the SDWA's total coliform regulations.
- 5.9. Termination and Satisfaction. Respondents' obligations under this Order will terminate and be deemed satisfied upon Respondents' receipt of written notice from EPA that

Respondents have completed all requirements of this Order to EPA's satisfaction.

- 5.10 Certification. Unless otherwise required by this Order, any notice, report, certification, plan, data, or other document submitted by Respondents under or pursuant to this Order, which discusses, describes, demonstrates, or supports any finding or makes any representation concerning Respondents' compliance or non-compliance with any requirement(s) of this Order shall be certified by each Respondent, or person(s) designated by Respondents and approved by EPA. The certification shall be in the following form:

Except as provided below, I certify that the information contained in or accompanying this [type of submission] is true, accurate and complete.

As to [the/those] portion(s) of this [type of submission] for which I cannot personally verify [its/their] accuracy, I certify under the penalty of law that this [type of submission] and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____
Name (print) _____
Title: _____

- 5.11 Submission of documents pursuant to this Order which are found by EPA to contain false information shall constitute a failure to comply with this Order and shall subject Respondents to penalties whether or not a responsible official of Respondents has certified the document.

VI. GENERAL PROVISIONS

- 6.1. This Order takes effect upon signature by EPA and binds Respondents, their agents, successors, assigns, employees, independent contractors, or persons acting in concert with Respondents who have notice of this Order.

- 6.2. Failure to comply with this Order or violation of any of the terms of this Order may subject Respondents to a civil penalty of up to \$5000 per day for each day in which a violation occurs as assessed by an appropriate United States district court under Section 1431(b) of the SDWA, 42 U.S.C. § 3001(b). Judicial review of this Order in the United States Court of Appeals is provided for by Section 1448(a)(2) of the SDWA, 42 U.S.C. § 300j-7.
- 6.3. Except as expressly provided in this Order, each party reserves all rights, claims, interests, and defenses it may otherwise have, and nothing herein shall prevent EPA from seeking legal or equitable relief to enforce this Order or to protect the health of persons including the right to seek injunctive relief, the imposition of statutory penalties, or both.
- 6.4. The United States Government and its agencies shall not be held out as a party to any contract entered into by Respondents in carrying out the work required by this Order and shall not be liable for any injuries or damages to persons or property resulting from acts or omissions of Respondents, Respondents' employees, agents, receivers, successors, or assigns, or of any persons responsible for carrying out such work.

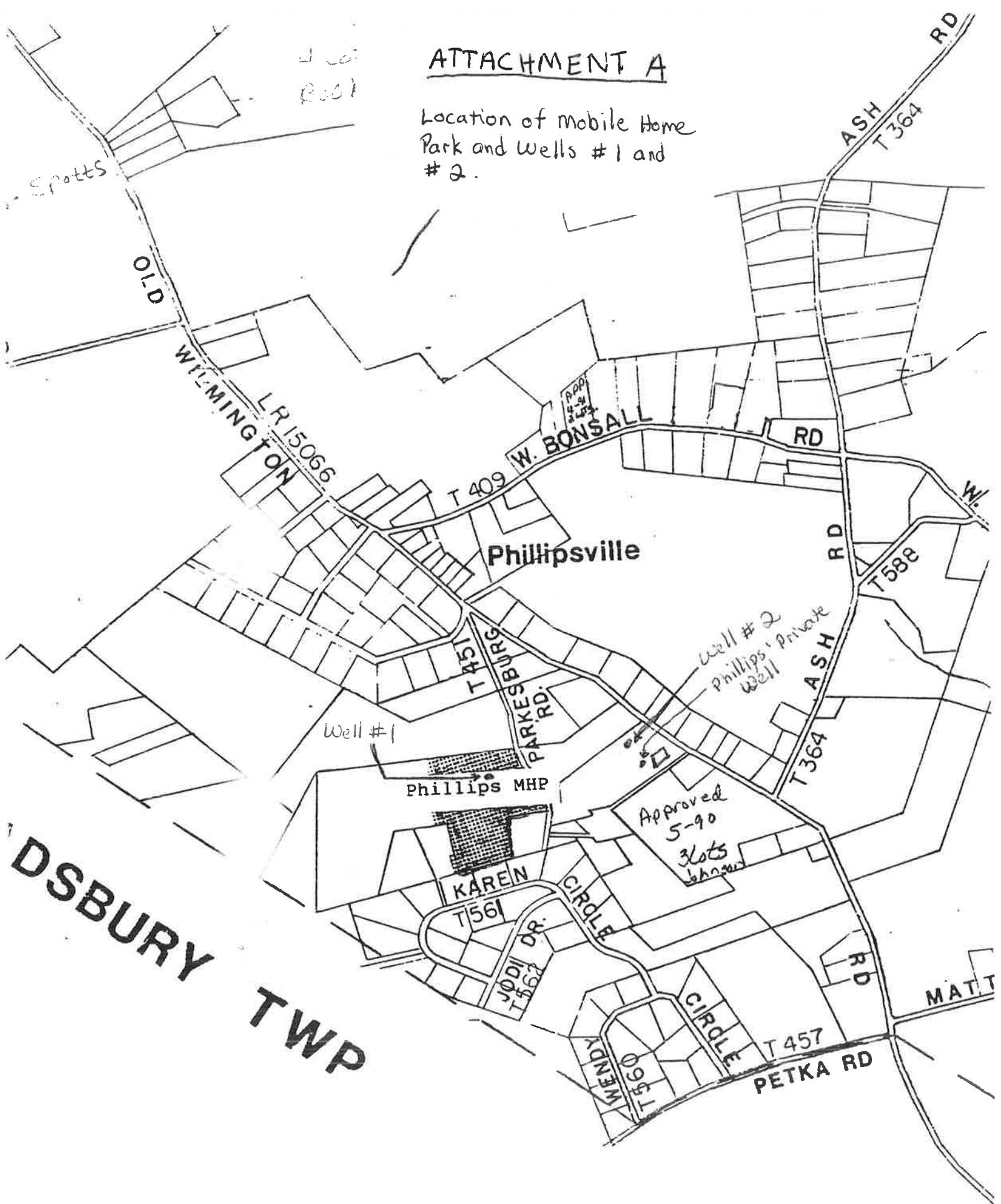
Date: 5-25-93



for Stanley Laskowski
Acting Regional Administrator
U.S. Environmental Protection
Agency--Region III

ATTACHMENT A

Location of mobile Home
Park and Wells #1 and
#2.



ATTACHMENT B

Perry Phillips Mobile Home Park
Sample Tabulations p. B-1

Perry Phillips' private well- kitchen tap

DATE	DESCRIPTOR	CA	VC	Contaminants (ug/l)				
				11-DCE	TCA	TCE	PCE	11-DCA
8/88	CCHD	6.9	NA	11.0	113.	1.9	NA	48.0
5/89*	EPA/SI	3.J	ND	5.0	94.0	0	2J	36.0
5/89*	EPA/SI	4.J	ND	5.0	96.0	0	2J	37.0
7/90	CCHD	3.7	NA	7.4	39.3	0.5	74.2	12.3
11/92	EPA/Annapls	1.9	ND	4.0	42.9	1.5	246.	26.7
3/93	EPA/Response	ND	ND	8.	130.	6.	96.	28.

**Tap samples identified as having been taken
from points in the trailer park itself.**

DATE	DESCRIPTOR	CA	VC	Contaminants (ug/l)				
				11-DCE	TCA	TCE	PCE	11-DCA
8/88	CCHD	8.7	NA	3.9	42.0	16.0	ND	21.0
5/89	EPA/SI	5.J	ND	1.J	37.0	9.0	ND	17.0
3/90	CCHD	6.2	NA	3.6	46.6	15.4	NA	12.9
3/93	EPA/Response	ND	ND	4.	27.	12.	ND	8.

Descriptors: - **CCHD** = sampling by Chester County Health Dept.
 - **EPA/SI** = sampling conducted in preparation of
 EPA's May. 1989 Site Inspection Report
 EPA No. PA-2122.
 - **EPA/Annapls** = sampling conducted by EPA
 Annapolis laboratory during site
 investigation 11/9/92.
 - **EPA/Response** = sampling conducted by represent-
 atives of EPA's Superfund Removal
 program.

Notes: **"J"** indicates analytical result below quantitation
 limit.
 ND = Not Detected
 NA = Not Analyzed/Not Available
 * Date corresponds to the completion of EPA's Site
 Inspection report. The exact dat of sampling is
 unavailable.

ATTACHMENT B

Perry Phillips Mobile Home Park
Sample Tabulations p.B-2

PWS well #1 (located in trailer park)

DATE	DESCRIPTOR	CA	VC	Contaminants (ug/l)				
				11-DCE	TCA	TCE	PCE	11-DCA
7/91	compliance	NA	ND	3.1	ND	1.3	NA	NA
10/91	compliance	NA	ND	2.1	2.0	1.0	NA	NA
2/92	compliance	NA	1.0	2.6	3.3	0.7	NA	NA
5/92	compliance	NA	ND	1.8	2.9	ND	NA	NA
8/92	compliance	NA	ND	2.4	3.5	0.5	NA	NA
11/92	compliance	NA	1.2	1.9	3.3	ND	NA	NA
11/92	EPA/Annapls	.09J	.3J	0.1J	2.3	0.2J	0.1J	3.4
3/93	EPA/Response	ND	ND	ND	6.	ND	2.	ND

PWS well #2 (located near barn)

DATE	DESCRIPTOR	CA	VC	Contaminants (ug/l)				
				11-DCE	TCA	TCE	PCE	11-DCA
3/91	compliance	NA	ND	11.4	47.0	15.4	NA	NA
7/91	compliance	NA	1.5	28.0	16.0	35.0	NA	NA
10/91	compliance	NA	1.5	36.0	14.0	18.0	NA	NA
11/92	EPA/Annapls	2.5	.3J	2.5	29.9	18.0	0.1J	6.2
3/93	EPA/Response	ND	ND	3.	36.	12.	3.	8.

Descriptors: **compliance** = sampling conducted by private laboratory as required by PaDER and Federal SDWA.
 EPA/Annapls = sampling conducted by EPA Annapolis laboratory during site investigation 11/9/92.
 EPA/Response = sampling conducted by representatives of EPA's Superfund Removal program.

Notes: "J" indicates analytical result below quantitation limit.
 ND = Not Detected
 NA = Not Analyzed/Not Available

ATTACHMENT B

Perry Phillips Mobile Home Park
Sample Tabulations p. B-3

Chemical Abbreviations

CA - Chloroethane
VC - Vinyl Chloride
1,1-DCE - 1,1-Dichloroethylene or 1,1-Dichloroethene
TCA - Trichloroethane
TCE - Trichloroethylene or Trichloroethene
PCE - Tetrachloroethylene or Tetrachloroethene
1,1-DCA - 1,1-Dichloroethane

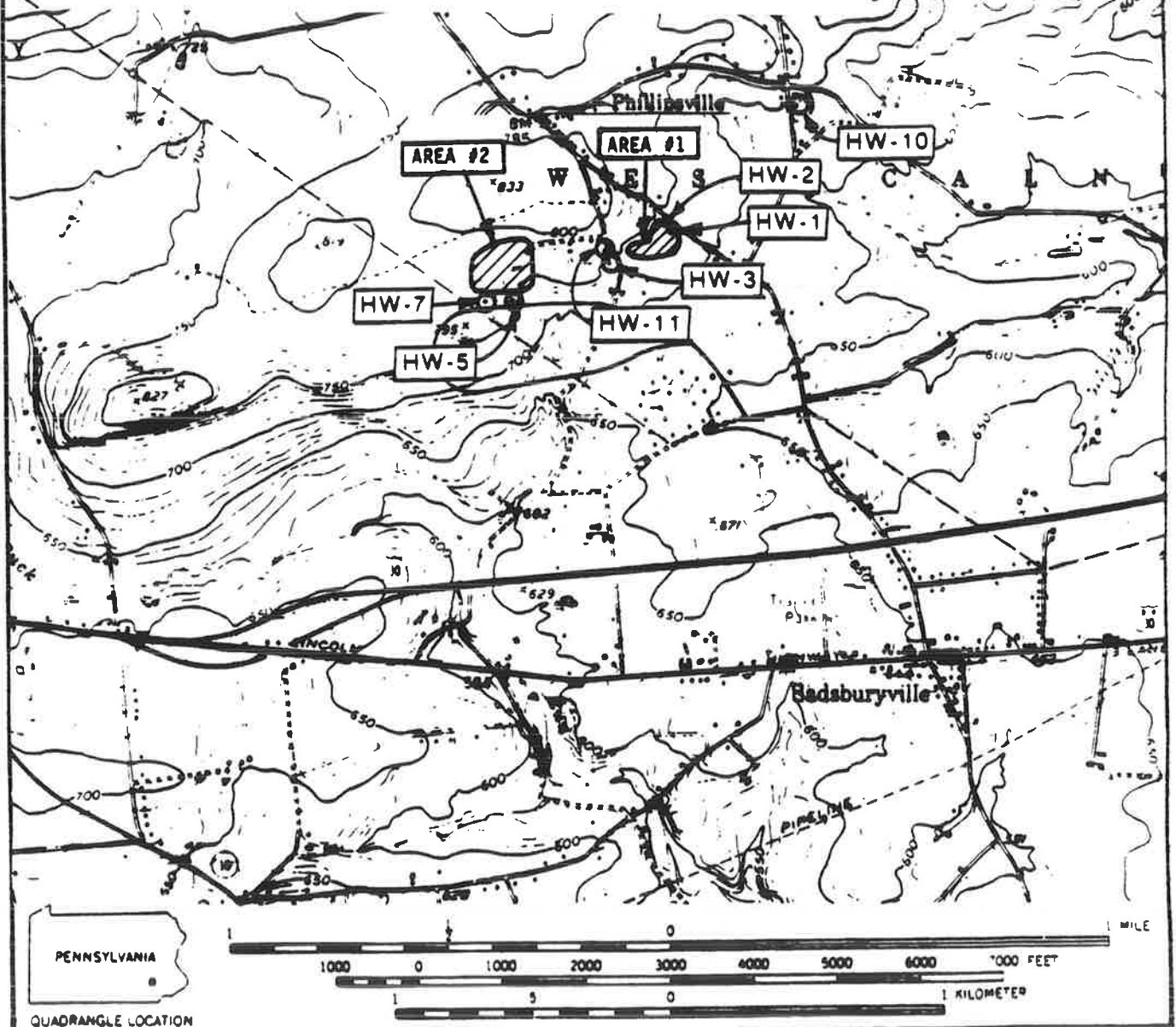
MAXIMUM CONTAMINANT LEVELS

Chloroethane	8.7 ug/l
Vinyl Chloride	1.5 ug/l
1,1-Dichloroethane	36.0 ug/l
1,1-Dichloroethylene	7.0 ug/l
1,1,1-Trichloroethane	200 ug/l
Trichloroethylene	5.0 ug/l
Tetrachloroethylene	5.0 ug/l

Attachment C

AREA #1 Corresponds to Figure 2.2
on p. C-2

AREA #2 Corresponds to Figure 2.3
on p. C-3



SOURCE: (7.5 MINUTE SERIES) U.S.G.S PARKERSBURG & HONEY BROOK, PA. QUADS.

HOME WELL SAMPLE LOCATIONS

PERRY PHILLIPS LANDFILL

SCALE 1: 24000

FIGURE 5.3



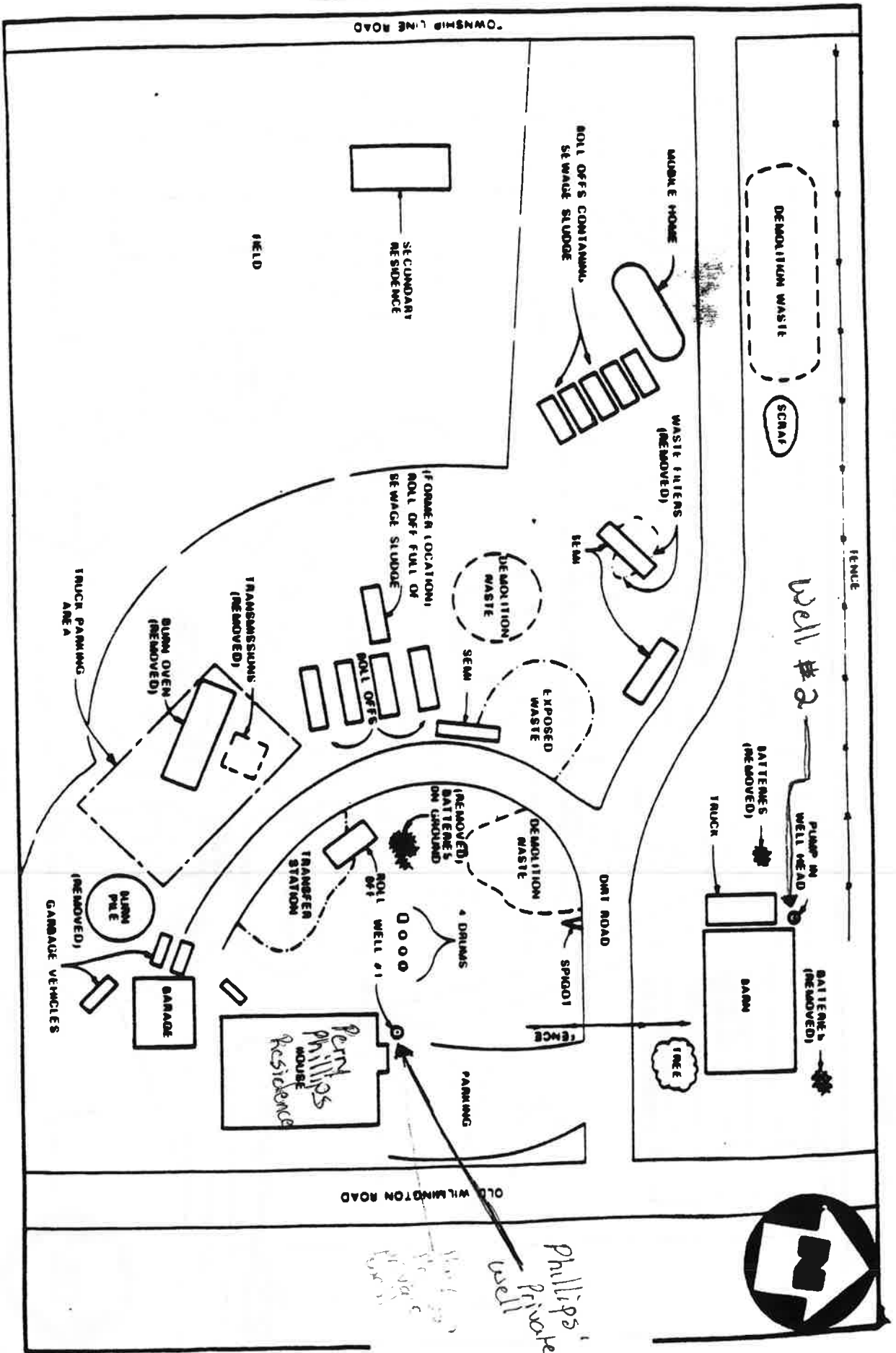


FIGURE 2.2

SITE SKETCH
PERRY PHILLIPS LANDFILL, AREA -1, 7.6 ACRES
(NO SCALE)

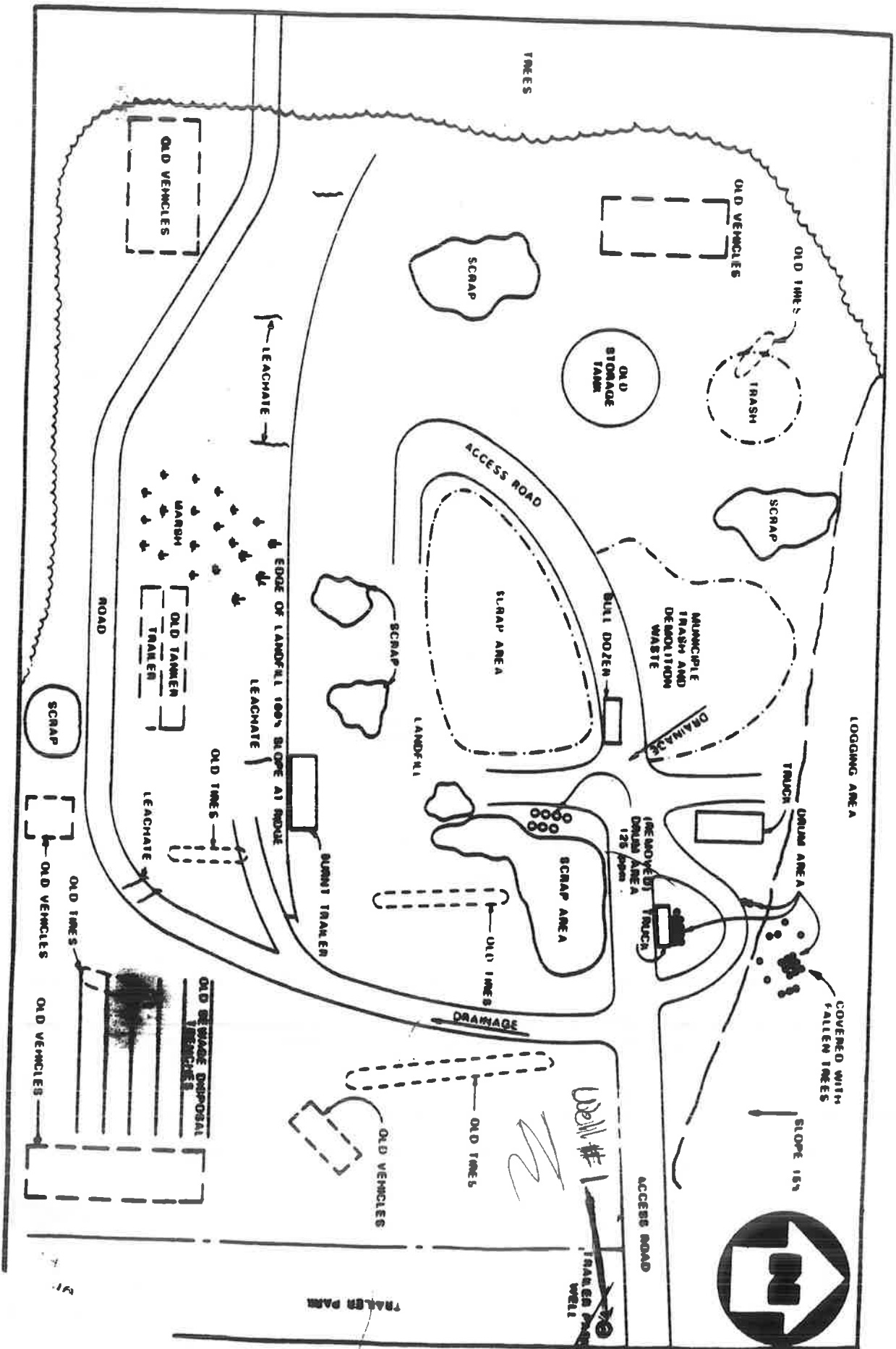


FIGURE 2.3

SITE SKETCH

PERRY PHILLIPS LANDFILL, AREA-2, 27 ACRES

(NO SCALE)



Emergency Order
Perry Phillips Mobile Home Park

ATTACHMENT E

PUBLIC NOTICE
PUBLIC WATER SUPPLY CONTAMINATION

ATTENTION:

The Perry Phillips Mobile Home Park advises that the drinking water supply serving the Perry Phillips Mobile Home Park has exceeded the maximum contaminant level (MCL) of 7 parts per billion (ppb) for 1,1 dichloroethylene and 5 parts per billion (ppb) for trichloroethylene. The United States Environmental Protection Agency guidelines indicate that drinking water which exceeds the MCL is considered to be a potential health risk to those who consume it.

U.S. EPA regulations require that the Perry Phillips Mobile Home Park collect samples from each of the sources of water that it uses to supply its customers. The samples must be analyzed by a state certified laboratory for a group of eight different volatile organic chemicals (VOCs). EPA regulations further require that a public water supplier notify its customers if the MCL exceeds the level stipulated in the EPA regulations.

TCE is a common metal cleaning and dry cleaning fluid. It generally gets into drinking water by improper waste disposal. TCE has been shown to cause cancer in laboratory animals exposed at high levels over their lifetimes. EPA has set forth the enforceable drinking water standard for trichloroethylene at 5 parts per billion (ppb) to reduce the risk of cancer or other health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

Chemicals that cause cancer or other adverse health effects in laboratory animals also may increase these risks in humans who are exposed at lower levels over long periods of time.

1,1 Dichloroethylene: The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that 1,1 dichloroethylene is a health concern at certain levels of exposure. This chemical results from the breakdown of solvents used as cleaners and degreasers of metals in industry, and generally get into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals when the animals are exposed at high levels

ATTACHMENT E (cont.)

over their lifetimes. EPA has set forth the enforceable drinking water standard for 1,1 Dichloroethylene at 7 parts per billion (ppb) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

As soon as we become aware of the existence of the elevated levels of 1,1 dichloroethylene and trichloroethylene in our water we _____

Monthly monitoring will continue for an indefinite period as long as it is necessary to assure the quality of our water. You will be further advised of any significant increases in the 1,1-dichloroethylene and trichloroethylene levels or when the problem has been corrected.

This notice does not mean that your water is unsafe to use at this time. You are being advised of this contamination so that you can make a personal choice of consuming this water or not, until corrective action has been taken.

ATTACHMENT F

**IMPORTANT NOTICE TO ALL WATER USERS IN THE
PERRY PHILLIPS MOBILE HOME PARK**

On [date sample results were received], the results of a water sample taken on [date sample taken] showed that the level of [contaminant name] in the water supplied to the Perry Phillips Mobile Home Park exceeded the Environmental Protection Agency's Short Term Acceptable Risk ("STAR") level. The STAR level for [contaminant(s)] is [applicable STAR level]. The level of [contaminant(s)] found in the water was [].

The STAR level represents the contaminant concentration in drinking water which EPA considers to present an unreasonable risk to health over a short-term exposure period not to exceed seven years. Therefore, in accordance with the terms of the Emergency Order issued by the Environmental Protection Agency to the Perry Phillips Mobile Home Park, I will provide you and the members of your household with an alternate source of drinking water within 2 days of [date sample results received]. I will be providing a sufficient quantity of alternate water (approximately two gallons per person per day) to provide you and members of your household with water for drinking, cooking, food preparation, and oral hygiene. The sample results are currently being evaluated by the U.S. Environmental Protection Agency, and if the EPA considers it to be necessary for the further protection of your health, I will also be required to provide you with sufficient alternate water for bathing and other household uses. The alternate water will meet all requirements of the Safe Drinking Water Act.

An additional measure which can be taken to further reduce your exposure to [contaminant(s)] is to make sure that any area in which tap water is being used is well-ventilated. For example, you should open your bathroom windows while showering to allow the [contaminant(s)] which become airborne to disperse.

Finally, the following paragraph(s) provide additional information about [contaminant(s)]:

[Insert paragraph(s) containing applicable
mandatory health effects language
from 40 C.F.R. § 141.32(e) (1992)]

**IMPORTANT NOTICE TO ALL WATER USERS
IN PERRY PHILLIPS MOBILE HOME PARK (CONTINUED)**

If you have any question concerning this notice, please
contact:

Mary T. Brewster
Environmental Protection Specialist
U.S. EPA, Region III
(215) 597-4029
841 Chestnut Building
Philadelphia, Pa. 19107

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107**

IN THE MATTER OF:)	
	)	EMERGENCY ADMINISTRATIVE ORDER
PERRY PHILLIPS and)	
PERRY PHILLIPS)	
MOBILE HOME PARK	)	Proceedings under Section 1431(a)
Coatesville, PA.,	)	of the Safe Drinking Water Act,
	)	42 U.S.C. § 300i(a)(1)
Respondents.)	
	)	Docket No. III-93-095 DS

INDEX TO THE ADMINISTRATIVE RECORD

1. Trip report from Bill Foster and Mary Brewster on visit to Perry Phillips Mobile Home Park on November 9, 1992.
2. Feb. 17, 1993 memo from Bill Foster, U.S. EPA, to Mary Brewster, U.S. EPA, re: background data on Phillips' system, suggested course of action.
3. Jan. 20, 1993 letter from Bill Foster to Perry Phillips re: high levels of contaminants in his private well.
4. Mar. 1, 1993 memo by Bill Foster to file re: Feb. 26, 1993 visit to Perry Phillips Mobile Home Park, layout of system, sampling, etc.
5. Sampling results from March 1993 sampling of nearby private wells and resampling of mobile home park wells.
6. April 16, 1993 memo from Bill Foster to file re: Hydrology and geology of area underlying Perry Phillips, interconnection of aquifer serving wells.
7. April 2, 1993 memo from Dawn Ioven, U.S. EPA Toxicologist, to Doug Snyder, U.S. EPA, re: toxicological risk from VOCs and risk assessment.
8. April 29, 1993 memo from Jennifer Hubbard, U.S. EPA Toxicologist, to Doug Snyder re: Risk assessment for VOCs in drinking water.
9. Letter from Pa. DER dated Sept. 26, 1992 to Stuart Kerzner,

U.S. EPA, requesting EPA enforcement action against Perry Phillips.

10. April 29, 1993 memo from Mary Brewster, U.S. EPA, to Doug Snyder re: John Gordon, CCHD, memo on meeting with Perry Phillips on 4/7/93.

11. Aug. 12, 1992 letter from John Fabian, Pa. DER, to Perry Phillips re: complete and return enclosed permit application package.

12. Jan. 31, 1991 Notice from Chester County Health Dep't. (CCHD) to Perry Phillips re: Monitoring requirements for volatile organic chemicals.

13. Nov. 30, 1990 letter from John Gordon, CCHD, to Perry Phillips re: Procedure and documents to apply for PWS permit.

14. April 10, 1989 letter from John Gordon, CCHD, to Perry Phillips re: Instructions on complying with Pa. Safe Drinking Water Act.

15. Feb. 3, 1989 letter from John Gordon, CCHD, to Perry Phillips re: applicability and requirements of Safe Drinking Water Act to Phillips PWS.

16. Notices of Violation issued to Perry Phillips by CCHD for failure to monitor for coliform bacteria.

17. Notices of Violation issued to Perry Phillips by CCHD for failure to monitor for VOCs and failure to provide public notice of MCL violations.

18. Copy of Laboratory analytical results for sampling done at Perry Phillips mobile home park.

19. May 14, 1993 Memo by Doug Snyder, U.S. EPA to file re: May 13, 1993 phone call with John Gordon, Chester County Health Dept. concerning recent local action against Phillips.

20. May 17, 1993 Memo by Doug Snyder, EPA, to File re: May 17, 1993 phone conversation with James Wentzel, Pa. DER South East Office concerning planned enforcement action by Pa. DER and recent contact with Phillips.

21. Deed dated May 20, 1969 showing transfer of property now containing Mobile Home Park from Sidney Abbs to Perry and Jeanne Phillips.

22. Deed dated June 18, 1970 for transfer of property containing private residence of Perry Phillips and Well # 2 from the National Bank of Chester Valley, as guardian for estates of Mabel

and Joseph Shoemaker, to Perry and Jeanne Phillips.


23. Tax parcel map showing tax parcel numbers of Perry and Jeanne Phillips property.

24. **1989 Superfund Site Investigation Report**

25. Copy of Safe Drinking Water Act Delegation No. 9-17, dated July 25, 1984, No. 1200 TN 103.

Pursuant to authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by Section 1431 of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300i, and delegated to the Regional Administrators by Delegation No. 9-17, dated July 25, 1984, I hereby establish the documents cited in the above index as the administrative record supporting the issuance of the Emergency Administrative Order in EPA Docket No. IIII-93-095 DS

5-25-93
Date


Stanley L. Laskowski
Acting Regional Administrator

perry.idx

